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BY ECF

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January 31, 2024

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Hon. Arun Subramanian, U.S.D.J.
United States District Court, S.D.N.Y.
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *West Virginia Laborers Pension Trust Fund v. The Estée Lauder Companies Inc. et al.*, No. 1:24-cv-00468

Dear Judge Subramanian:

We represent defendants The Estée Lauder Companies, Inc. (“Estée Lauder”), Fabrizio Freda, and Tracey T. Travis (collectively, “Defendants”) in the above-referenced putative class action (the “Action”). Pursuant to Section 3.E of the Court’s Individual Practices in Civil Cases, Defendants respectfully request an extension of time to answer, move, or otherwise respond to the Complaint pending the Court’s appointment of a lead plaintiff and lead counsel for lead plaintiff.

Plaintiff West Virginia Laborers Pension Trust Fund (“Plaintiff”) commenced the Action on January 22, 2024, asserting federal securities claims arising under the Securities Exchange Act of 1934. ECF. No. 1. Plaintiff also filed a Related Case Statement to the earlier filed action captioned *McAlice v. The Estée Lauder Companies Inc. et al.*, No. 1:23-cv-10669-AS (S.D.N.Y.) (“*McAlice* Action”). ECF. No. 6. Plaintiff in the *McAlice* Action issued a press release advising purported class members of the pendency of that action and that any motion for appointment of lead plaintiff must be filed no later than February 5, 2024. *McAlice* Action, ECF Nos. 11, 12. Following the expiration of the 60-day notice period, the Court will address consolidation of all related actions, the appointment of a lead plaintiff, and the lead plaintiff’s retention of lead counsel (15 U.S.C. § 78u-4(a)(3)).

Given that a lead plaintiff has yet to be appointed and an amended complaint has yet to be filed or designated, subject to the approval of the Court, the parties have conferred and agree that:

1. Defendants’ time to answer, move, or otherwise respond to the Complaint is stayed pending the Court’s appointment of a lead plaintiff and lead counsel for lead plaintiff.
2. Within five (5) business days of the Court’s appointment of a lead plaintiff and lead counsel for lead plaintiff, counsel for Defendants and appointed lead counsel shall confer and jointly submit

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their proposed schedule for (i) the lead plaintiff's time to file a consolidated and/or amended complaint, or otherwise designate an operative complaint, and (ii) Defendants' time to answer or otherwise respond to the operative complaint in the Action. If the parties cannot agree, the parties shall each submit proposed schedules to the Court for approval.

The undersigned counsel for Defendants intend to waive service of the summons and the Complaint on behalf of Defendants, which would require that any motion to dismiss would be due 60 days thereafter. F.R.C.P.12(a)(1)(A)(ii). This is Defendants' first request for an extension of time to answer, move, or otherwise respond to the Complaint in this Action. The parties do not have an appearance before the Court scheduled, nor do they have any other existing deadlines.

Respectfully submitted,

/s/ *Caroline Hickey Zalka*

Caroline Hickey Zalka

cc: All counsel of record (by ECF)

The proposed schedule is adopted.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: February 1, 2024